

**TITLE XV: LAND USAGE**

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## CHAPTER 150: BUILDING REGULATIONS

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### ***GENERAL PROVISIONS***

#### **§ 150.01 [RESERVED].**

#### **§ 150.02 DEFINITION.**

This chapter particularly incorporates by reference the definition of “substantial property interest” as defined in I.C. Section 36-7-9-2.  
(’66 Code, § 3-3-3-2) (Ord. 1572, passed - -)

#### **§ 150.03 BOARD OF WORKS AND PUBLIC SAFETY; DUTIES.**

The Board of Works and Public Safety shall be the executive department of the city responsible for the administration of this chapter.  
(’66 Code, § 3-3-3-3) (Ord. 1572, passed - -)

#### **§ 150.04 BUILDING PERMIT; INSPECTIONS AND ENFORCEMENT.**

(A) The Planning Commission, by and through its Planning Director, should issue building permits and make inspections of buildings under authority of and in cooperation with the Administrative Building Council of Indiana. The Planning Commission, by and through its Planning Director, is authorized and directed to administer the Commission in accordance with the rules and regulations issued by the Administrative Building Council of Indiana as authorized by I.C. 22-12-1-1 *et seq.*, as amended.  
(’66 Code, § 3-3-2-1)

(B) Whenever a violation of the rules and regulations issued by the Administrative Building Council of Indiana occurs, either the Planning Director, the Mayor or the City Engineer may file a complaint for the enforcement of the rules and regulations with the City Court. ('66 Code, § 3-3-2-2) (Ord. 1329, passed - -)

***Cross-reference:***

*Director; duties, see § 150.51*

**§ 150.05 STREET NUMBERS.**

(A) All structures serving as a residence or business shall apply and attach their respective address numbers on their structures in such a way that the numbers shall be clearly visible at all times from the street passing in front of said structure.

(1) Numbers shall be a minimum height of three inches or larger. Block type letters and numbers shall be used.

(2) "Mobile home community" is defined as a mobile home community where the owners of each mobile home actually own their own lot. Mobile home community residents shall post their mailing address numbers in the front of the home closest to the driveway or right-of-way by which the public accesses the property. All other numbers shall be removed for public safety.

(3) "Mobile home park" is defined as a mobile home park where the park owner owns the individual lots and rents them to home owners. In a mobile home park, only the lot number shall be applied to the structure in accordance with this section. The park mailing address shall be posted at the entry of the park.

(B) The Fire Department and Police Department and/or Building Commissioner shall notify any homeowner or business owner if the numbers thereby placed on their residence or business are not clearly visible from the street way and that remedial action is necessary to comply with this section.

(C) (1) Failure of any resident, homeowner or business owner to comply with this section constitutes a violation thereof, and a penalty shall be imposed up to an amount not exceeding \$20.

(2) Each day that a resident, homeowner or business owner is not in compliance will constitute a separate violation of this section.

(Ord. 2032, passed 12-5-05)

***BUILDING CODE*****§ 150.15 TITLE.**

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Elwood, Indiana," may be cited as such and will be referred to herein as "this code."

(Ord. 1778, passed 2-1-93)

**§ 150.16 ADOPTION OF STATE RULES.**

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those articles as the same are published in the Indiana Register or the Indiana Administrative Code effective dates as fixed therein:

(1) Article 13, Building Codes:

- (a) Fire and Building Safety Standards;
- (b) Indiana Building Code;
- (c) Indiana Building Code Standards; and
- (d) Indiana Handicapped Accessibility Code.

(2) Article 14, One- and Two-Family Dwelling Code and Indiana One- and Two-Family Dwelling Code;

(3) Article 16, Plumbing Code: Indiana Plumbing Code;

(4) Article 17, Electrical Codes:

- (a) Indiana Electrical Code; and
- (b) Safety Code for Health Care Facilities.

(5) Article 18, Mechanical Code: Indiana Mechanical Code;

(6) Article 19, Energy Conservation Codes:

- (a) Indiana Energy Conservation Code; and

(b) Modifications to the Model Energy Code.

(7) Article 20, Swimming Pool Code: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of Building Commissioner.

(Ord. 1778, passed 2-1-93)

**§ 150.17 PURPOSE.**

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare and for the conservation of energy in the design and construction of buildings and structures.

(Ord. 1778, passed 2-1-93)

**§ 150.18 AUTHORITY.**

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in this subchapter, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Building Department, this shall be construed to give the officer only the discretion of determining whether this code has been complied with. No provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C. 22-13-2-7(b).

(Ord. 1778, passed 2-1-93)

**§ 150.19 SCOPE.**

The provisions of this code apply to the construction, alteration, repair, use, demolition, occupancy and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4.

(Ord. 1778, passed 2-1-93; Am. Ord. 1982, passed 5-6-02)

§ 150.20 PERMIT REQUIRED.

(A) Forms shall be furnished by the Building Commissioner, and all fees required by this Code shall be paid to the Clerk-Treasurer.

(B) A permit will be obtained for the following:

- (1) Any new construction structure;
- (2) Storage sheds 160 square feet or larger;
- (3) Demolition of any structure;
- (4) Porches;
- (5) Decks or patios 80 square feet or larger;
- (6) Sidewalks, driveways and curbs;
- (7) Fences (lot line inspection);
- (8) Roofing (more than shingle replacement);
- (9) Any remodel or renovation of any structure over \$500;
- (10) All carports; and
- (11) Water lines and sewer laterals.

(Ord. 2063, passed 2-4-08)

§ 150.21 APPLICATION PROCEDURE.

(A) No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing the work to be done. In addition, a copy of a design release, issued by the State Building Commissioner and the State Fire Marshal pursuant to L.C. 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by the design release.

(B) Prior to the issuance of any building permit, the Building Commissioner shall:

- (1) Review all building permit applications to determine full compliance with the provisions of this code.
- (2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- (3) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:
  - (a) Uses construction materials and utility equipment that are resistant to flood damage;
 and

(b) Uses construction methods and practices that will minimize flood damage.

(4) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes)

(a) Is protected against flood damage;

(b) Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, flood damage; and

(c) Uses construction methods and practices that will minimize flood damage.

(Ord. 1778, passed 2-1-93)

#### § 150.22 FEES.

Fee schedule in § 153.73.

(Ord. 2063, passed 2-4-08)

#### § 150.23 INSPECTIONS.

(A) After the issuance of any building permit, the Building Commissioner shall make or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this subchapter and the terms of the permit. Reinspection of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this subchapter.

(B) The Chief of the Fire Department or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of the inspection to the Building Commissioner.

(C) Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this subchapter.

(Ord. 1778, passed 2-1-93)

#### § 150.24 COMPLIANCE REQUIRED.

All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in the ordinances. (Ord. 1778, passed 2-1-93) Penalty, see § 10.99

#### § 150.25 STOP ORDERS.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the



doing or causing the work to be done and any persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.

(Ord. 1778, passed 2-1-93) Penalty, see § 10.99

**§ 150.26 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless the building or structure was constructed in compliance with the provisions of this code. It shall be unlawful to occupy any building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.

(Ord. 1778, passed 2-1-93) Penalty, see § 10.99

**§ 150.27 WORKMANSHIP.**

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

(Ord. 1778, passed 2-1-93)

**§ 150.28 VIOLATIONS.**

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

(Ord. 1778, passed 2-1-93) Penalty, see § 10.99

**§ 150.29 RIGHT OF APPEAL.**

All persons shall have the right to appeal any order of the Building Commissioner first through the Board of Zoning Appeals and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7.

(Ord. 1778, passed 2-1-93)

**§ 150.30 REMEDIES.**

The Building Commissioner shall in the name of the city bring actions in the Circuit or Superior Courts of Madison County for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this subchapter.

(Ord. 1778, passed 2-1-93)

***UNSAFE BUILDINGS*****§ 150.45 AUTHORITY.**

Under the provisions of I.C. 36-7-9-3, there is hereby established the City Unsafe Building Law. All proceedings within the city for the inspection, repair and removal of unsafe buildings shall be governed by the law and the provisions of this subchapter.

('66 Code, § 3-3-1-1) (Ord. 1501, passed - -; Am. Ord. 1982, passed 5-6-02)

**§ 150.46 BUILDING COMMISSIONER; POWERS.**

The City Building Commissioner shall be authorized to administer and to proceed under the provisions of the law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

('66 Code, § 3-3-1-3) (Ord. 1501, passed - -)

**§ 150.47 PUBLIC NUISANCES.**

All buildings or portions thereof within the city which are determined after inspection by the Building Commissioner to be unsafe as defined in this subchapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in §§ 150.55 et seq.

('66 Code, § 3-3-1-2) (Ord. 1501, passed - -; Am. Ord. 1982, passed 5-6-02) Penalty, see § 10.99

***Cross-reference:***

*Abatement procedures, see § 94.04, §§ 150.55 et seq.*

*Nuisances prohibited, see § 94.03*

**§ 150.48 BUILDING STANDARDS ESTABLISHED.**

Wherever in the building regulations of the city or the City Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the city, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by this subchapter have been complied with; and no provisions shall be construed as giving any officer discretionary powers as to what regulations or standards shall be, power to require conditions not prescribed by this subchapter or to enforce the provisions of this subchapter in an arbitrary or discretionary manner.

('66 Code, § 3-3-1-4) (Ord. 1501, passed - -)

§ 150.49 UNSAFE BUILDING STANDARDS.

The definition of an unsafe building contained in I.C. 36-7-9-4(a) is hereby supplemented to provide minimum standards for building condition or maintenance in the city, by adding the following to the definition: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that the conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(A) Whenever any door, aisle, passageway or other means of exit is not sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(B) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location.

(C) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before a catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.

(D) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property.

(E) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without, exceeding the working stresses permitted for the buildings.

(F) Whenever any portion thereof has cracked, warped, buckled or settled to the extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(G) Whenever the building or structure, or any portion has:

- (1) Dilapidation, deterioration or decay (including exterior coatings);
- (2) Faulty construction (including non-weather deterrent material on exterior surfaces);
- (3) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; or
- (4) Any other cause, which is likely to partially or completely collapse.

(H) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(I) Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(J) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become:

(1) An attractive nuisance to children; or

(2) Freely accessible to persons for the purpose of committing unlawful acts.

(K) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to a building or structure provided by the building regulations of the city, or of any law or ordinance of this state or county relating to the condition, location or structure of buildings.

(L) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member or portion less than 50% or in any supporting part, member or portion less than 66% of the:

(1) Strength;

(2) Fire-resisting qualities or characteristics; or

(3) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(M) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner or Public Health Authorities to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

(N) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Building Commissioner or City Fire Department to be a fire hazard.

(O) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whether any building or structure is abandoned for a period

in excess of six months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.

('66 Code, § 3-3-1-5) (Ord. 1501, passed - -; Am. Ord. 1982, passed 5-6-02)

**§ 150.50 WORK STANDARDS.**

All work for the reconstruction, alteration, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules and regulations pertaining to construction, plumbing, electrical, mechanical and one- and two-family dwellings, promulgated by the Indiana Department of Fire and Building Services Office of State Building Commissioners, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the City Building Commissioner.

('66 Code, § 3-3-1-6) (Ord. 1501, passed - -; Am. Ord. 1982, passed 5-6-02) Penalty, see § 10.99

**§ 150.51 [RESERVED].**

**§ 150.52 UNSAFE BUILDING FUND.**

An Unsafe Building Fund is hereby established in the operating budget of the city in accordance with the provisions of I.C. 36-7-9-14 and I.C. 36-7-9-15.

('66 Code, § 3-3-1-8) (Ord. 1501, passed - -)

**§ 150.53 COMPLIANCE REQUIRED.**

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this subchapter or any order issued by the Building Commissioner.

('66 Code, § 3-3-1-9) (Ord. 1501, passed - -) Penalty, see § 10.99

**§ 150.54 SEALING UNSAFE BUILDINGS.**

(A) All openings in unsafe buildings as determined by the Building Commissioner/Director of Planning or the Elwood Board of Zoning Appeals shall be sealed with not less than a 7/16-inch exterior grade chip board, a ½-inch exterior grade plywood of one-inch nominal lumber.

(B) The chip board or plywood shall be fastened with not less than six penny common nails every eight inches around the perimeter of the opening; the one-inch nominal lumber, six inches in width, three to eight penny nails per end and 12-inch width four to eight penny nails per end.

(C) If nails are not compatible to the area around the openings, a suitable fastener shall be used to insure against intrusion.

(D) All openings so sealed shall be kept sealed until either renovation is started or demolition takes place.

(Ord. 1768, passed 10-5-92; Am. Ord. 1982, passed 5-6-02) Penalty, see § 10.99

### **§ 150.55 ABATEMENT PROCEDURES.**

(A) The Planning Director (also known as Building Inspector), Building Commissioner, and Board of Zoning Appeals may at any time require the owner of any property upon which an unsafe building is situated, as herein defined, to do all things necessary to remove the nuisance created thereby by giving the owner 30 days written notice as to the existence of the Unsafe Building Standard(s). The notice herein shall state the nature of the alleged Unsafe Building Standard(s) and the action deemed necessary to correct the condition and shall fix a date not sooner than ten days from the date of the receipt of the notice when the property owner may appear before the Board of Zoning Appeals to be heard on the question of the unsafe building standard(s). All notices as herein required shall be sent by certified mail, return receipt, or personal service, to the owner and or occupant at the address of the real estate, or to the last known address of the owner as reflected in the tax roles of the city, township, or county. If the notice is sent to the owner at the address shown in the tax roles, all of the times required under these abatement procedures shall be from the date of mailing and not the date of receipt of said notice.

(B) Upon the failure of the owner to cause the abatement of the nuisance created by the Unsafe Building Standard(s) violation, as required by this section, and after notice and opportunity for hearing before the Board of Zoning Appeals, the Board of Zoning Appeals may proceed at once to cause abatement of the nuisance and charge the costs thereof against such owner and/or occupant of the property. In effectuating the abatement of the nuisance created by the Unsafe Building Standard(s), the Board of Zoning Appeals may authorize and designate certain officers, personnel, and/or contractors of the Municipal Corporation to enter upon the property of such owner and to take all appropriate actions necessary to bring said property in compliance with the order of the Building Commissioner or other citing authority.

(Ord. 1981, passed 5-6-02)

**§ 150.56 NOTIFICATION OF CHARGES.**

The Board of Zoning Appeals shall, upon completion of all acts necessary to abate the nuisance created with respect to the Unsafe Building Standard(s), send a statement to the owner of the property notifying the owner of the fees and charges owing to the city for the services of abatement. Upon the failure of the owner to pay the fees and charges in full within 30 days, the Board of Zoning Appeals may cause charges and fees to be placed upon the tax duplicate and collect the same as taxes. The Board of Zoning Appeals may, in the alternative, refer the charges and fees to the City Attorney who shall forthwith collect the fees and charges by civil process.

(Ord. 1981, passed 5-6-02)

**§ 150.57 VIOLATIONS.**

In addition to the foregoing remedies created by the Unsafe Building Standard(s), for the abatement of a nuisance the Board of Zoning Appeals may after notice and hearing as prescribed under § 150.55 levy a fine against the owner of the property after a finding of violations of the subchapter in any amount allowed by § 10.99, per day of offense. Such fines may be collected by civil process by the City Attorney. The Board of Zoning Appeals may defer the fact finding and imposition of fines to the Elwood City Court, and thereby direct the Building Commissioner and/or the City Attorney to file legal action in said Court for violations of this subchapter in the name of the Board of Zoning Appeals against the owner of the property.

(Ord. 1981, passed 5-6-02)

## CHAPTER 151: FLOOD HAZARD PREVENTION

### Section

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*GENERAL PROVISIONS***§ 151.01 STATUTORY AUTHORIZATION.**

The Indiana Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Elwood does hereby adopt the following floodplain management regulations.  
(Ord. 2110, passed 4-18-11)

**§ 151.02 FINDINGS OF FACT.**

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.  
(Ord. 2110, passed 4-18-11)

**§ 151.03 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging and other development which may increase erosion or flood damage;

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

(F) Make federally subsidized flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.

(Ord. 2110, passed 4-18-11)

#### § 151.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(G) To ensure that potential home buyers are notified that property is in a flood area.

(Ord. 2110, passed 4-18-11)

## § 151.05 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*A ZONE.* Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In *A ZONES*, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBMs. The definitions are presented below:

*ZONE A.* Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

*ZONE AE AND A1-A30.* Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

*ZONE AH.* Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

*ZONE AO.* Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

*ZONE AR.* Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

*ZONE A99.* Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. *ZONE A99* may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds.

**ADDITION (TO AN EXISTING STRUCTURE).** Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**BASE FLOOD ELEVATION (BFE).** The elevation of the 1% annual chance flood.

**BASEMENT.** That portion of a structure having its floor sub-grade (below ground level) on all sides.

**BUILDING.** See **STRUCTURE**.

**COMMUNITY.** A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**COMMUNITY RATING SYSTEM (CRS).** A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**CRITICAL FACILITY.** A facility for which even a slight chance of flooding might be too great. **CRITICAL FACILITIES** include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**DEVELOPMENT.**

- (1) Any man-made change to improved or unimproved real estate including but not limited to:

- (a) Construction, reconstruction, or placement of a structure or any addition to a structure;
  - (b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
  - (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
  - (d) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;
  - (e) Mining, dredging, filling, grading, excavation, or drilling operations;
  - (f) Construction and/or reconstruction of bridges or culverts;
  - (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) *DEVELOPMENT* does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

*ELEVATED STRUCTURE.* A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers)

*ELEVATION CERTIFICATE.* A certified statement that verifies a structure's elevation information.

*EMERGENCY PROGRAM.* The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

*ENCROACHMENT.* The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*EXISTING CONSTRUCTION.* Any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

***EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

***EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.*** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***FEMA.*** The Federal Emergency Management Agency.

***FIVE-HUNDRED YEAR FLOOD (500-YEAR FLOOD).*** The flood that has a 0.2% chance of being equaled or exceeded in any year.

***FLOOD.*** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

***FLOOD BOUNDARY AND FLOODWAY MAP (FBFM).*** An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

***FLOOD HAZARD BOUNDARY MAP (FHBM).*** An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

***FLOOD INSURANCE RATE MAP (FIRM).*** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

***FLOOD INSURANCE STUDY (FIS).*** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

***FLOOD PRONE AREA.*** Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See *FLOOD*).

***FLOOD PROTECTION GRADE (FPG).*** The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see *FREEBOARD*).

**FLOODPLAIN.** The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The **FLOODPLAIN** includes both the floodway and the fringe districts.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **FLOODPLAIN MANAGEMENT REGULATIONS** are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**FLOODPROOFING (DRY FLOODPROOFING).** A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**FLOODPROOFING CERTIFICATE.** A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

**FLOODWAY.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**FREEBOARD.** A factor of safety, usually expressed in feet above the BFF, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**FRINGE.** Those portions of the floodplain lying outside the floodway.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**HARDSHIP** (as related to variances of this chapter). The exceptional hardship that would result from a failure to grant the requested variance. The Common Council of the City of Elwood requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**INCREASED COST OF COMPLIANCE (ICC).** The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**LETTER OF MAP AMENDMENT (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A *LOMA* is only issued by FEMA.

**LETTER OF MAP REVISION (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** An official revision by letter to an effective NFIP map. A *LOMR-F* provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**LOWEST ADJACENT GRADE.** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**LOWEST FLOOR.** The lowest of the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;



(4) The top of the first floor of a structure elevated on pilings or pillars; and

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

(b) Such enclosed space shall be usable solely for the parking of vehicles and building access.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. **MANUFACTURED HOME** does not include a "recreational vehicle."

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MAP AMENDMENT.** A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**MAP PANEL NUMBER.** The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

**MARKET VALUE.** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**MITIGATION.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **MITIGATION** is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

***NATIONAL FLOOD INSURANCE PROGRAM (NFIP).*** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

***NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.*** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

***NEW CONSTRUCTION.*** Any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

***NEW MANUFACTURED HOME PARK OR SUBDIVISION.*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

***NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).*** As adopted in 1993, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

***OBSTRUCTION.*** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

***ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD).*** The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See ***REGULATORY FLOOD.***

***ONE-PERCENT ANNUAL CHANCE FLOOD.*** The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See ***REGULATORY FLOOD.***

***PARTICIPATING COMMUNITY.*** Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

***PHYSICAL MAP REVISION (PMR).*** An official republication of a community’s FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or

improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

*POST-FIRM CONSTRUCTION.* Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

*PRE-FIRM CONSTRUCTION.* Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

*PROBATION.* A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

*PUBLIC SAFETY AND NUISANCE.* Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*RECREATIONAL VEHICLE.* A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

*REGULAR PROGRAM.* The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

*REGULATORY FLOOD.* The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 151.07. The *REGULATORY FLOOD* is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

*REPETITIVE LOSS.* Flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**SECTION 1316.** That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**SPECIAL FLOOD HAZARD AREA (SFHA).** Those lands within the jurisdictions of the city subject to inundation by the regulatory flood. The SFHAs of the city are generally identified as such on the Madison County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, effective May 3, 2011. The SFHAs of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Madison County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, effective May 3, 2011. (These areas are shown on a FFBM or FIRM as Zone A, AE, AI-A30, AH, AR, A99, or AO).

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**SUSPENSION.** The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**VARIANCE.** A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

**VIOLATION.** The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided.

**WATER SURFACE ELEVATION.** The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

**X ZONE.** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

**ZONE.** A geographical area shown on a FIRM or FIRM that reflects the severity or type of flooding in the area.

**ZONE A.** See **A ZONE**.

**ZONE B, C, AND X.** Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (**ZONE X** is used on new and revised maps in place of **ZONES B** and **C**.)

(Ord. 2110, passed 4-18-11)

#### § 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Elwood.

(Ord. 2110, passed 4-18-11)

**§ 151.07 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.**

This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the city shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Madison County and Incorporated Areas dated May 3, 2011 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, effective May 3, 2011.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs within the jurisdiction of the city, delineated as an "A Zone" on the FIRM of Madison County and Incorporated Areas prepared by the Federal Emergency Management Agency, effective May 3, 2011, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(Ord. 2110, passed 4-18-11)

**§ 151.08 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.

(Ord. 2110, passed 4-18-11)

**§ 151.09 COMPLIANCE.**

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 2110, passed 4-18-11) Penalty, see § 151.99

**§ 151.10 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2110, passed 4-18-11)

**§ 151.11 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.**

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

(Ord. 2110, passed 4-18-11)

**§ 151.12 INTERPRETATION.**

In the interpretation and application of this chapter all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2110, passed 4-18-11)

**§ 151.13 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the city, the Indiana Department of Natural Resources, or the State of Indiana, for any

flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 2110, passed 4-18-11)

#### *ADMINISTRATION*

##### **§ 151.25 DESIGNATION OF ADMINISTRATOR.**

The Common Council of the City of Elwood hereby appoints the Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(Ord. 2110, passed 4-18-11)

##### **§ 151.26 PERMIT PROCEDURES.**

(A) Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

(a) A description of the proposed development;

(b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

(c) A legal description of the property site;

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

(f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;



(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(2) Construction stage.

(B) Upon placement of the lowest floor, or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted). The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. 2110, passed 4-18-11)

#### § 151.27 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;

(2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §§ 151.44 and 151.46(A) of this chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter;

(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(8) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.26;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with § 151.26;

(11) Review certified plans and specifications for compliance;

(12) Stop work orders.

(a) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

(b) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of permits.

(a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(14) *Inspect sites for compliance.* For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized city officials shall have the right to enter and inspect properties located in the SFHA.

(Ord. 2110, passed 4-18-11)

### *PROVISIONS FOR FLOOD HAZARD REDUCTION*

#### § 151.40 GENERAL STANDARDS.

In all SFHAs and known flood prone areas the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

